

Notice of Allowability

Application No.

09/841,168

Examiner

Samson B. Lemma

Applicant(s)

DROGE, JOHN C.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/13/06.
2. ☒ The allowed claim(s) is/are 1-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Art Unit: 2132

DETAILED ACTION

1. This office action is in reply to an amendment filed on January 13, 2006. Claims 1-55 are pending and have been examined. The office has conducted telephonic interview on January 12, 2006 with the applicant. During the interview, claim 42 was discussed. Applicant's remark/argument have been fully considered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with **Jeff Kaminski** on 02/03/2006.

The application has been amended as follows: In the claims

44. (Cancelled)

45. (Cancelled)

46. (Cancelled)

47. (Cancelled)

48. (Cancelled)

49. (Cancelled)

50. (Cancelled)

51. (Cancelled)

52. (Cancelled)

53. (Cancelled)

54. (Cancelled)

Art Unit: 2132

55. (Cancelled)

Allowable Subject Matter

2. As indicated above, **claims 44-55** have been canceled.
3. **Claims 1-43** are allowed.
4. All independent claims **1, 14, 27, 36 and 42** were amended after the first office action. Applicant had replaced/changed the term “data” with a “non-packetized data” after the first office action. Examiner asserts that even though the word “non-packetized data” is not found/disclosed explicitly in the specification, such an amendment is supported/indicated by the original specification. The specification consistently indicates the distinction between the “packetized data” from simply the term “data”. As it is used in the specification, if the data is not packetized, then it is referred as simply “data” which means nothing but a “non-packetized data”. Therefore replacing the term “data” which does not go through a packetizing process as “non-packetized data” is supported by the specification.[See for instance, page 9, lines 28-page 10, line 9; figure 6]
5. The following is an examiner’s statement of reasons for allowance:
 - With respect to **the independent claims 1 and 36 as applicant persuasively argued that the prior art** on the record namely Markandey, taught all the limitation of the claim and furthermore Markandey teaches scrambling/encryption of packetized data but does not disclose/teach, scrambling/encrypting a non-packetized data.
 - With respect to **the independent claims 14 and 27, as applicant persuasively argued that the prior art** on the record namely Markandey, taught all the limitation of the claim and furthermore Markandey teaches descrambling/decryption of packetized data but does not disclose/teach, descrambling/decrypting a non-packetized data.

Art Unit: 2132

- With respect to **the independent claim 42 as applicant persuasively argued that the prior art** on the record namely the combination of Markandey and Peirce, disclosed all the limitation of the claim and furthermore Markandey teaches scrambling/encryption of packetized data but does not disclose/teach, scrambling/encrypting a non-packetized data.

None of the prior art of record taken singularly or in combination teaches or suggests a method of securely transmitting data with functional limitations recited above with the combination of other limitation recited in respective independent claims.

For the reasons provided above, the independent claims are found to be novel and are allowed.

6. **The dependent claims 2-13, 15-26, 28-35, 37-41 and 43 which are dependent on the independent claims 1, 14, 27, 36 and 42** being further limiting to the independent claims, definite and enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am --4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

Art Unit: 2132

obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.
02/02/2006



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